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Approved for use through 10/31/2002. OMB0651-0032  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL**

*Submit an original, and a duplicate for fee processing*

*(Only for Continuation or Divisional applications under 37 CFR 1.53(d))*

**RECEIVED**

MAR 02 2001

CHECK BOX, if applicable  
**OFFICE OF PETITIONS**

Address to: Attention: Office of Petitions Commissioner for Patents Box DAC Washington, D.C. 20231	Atty. Docket No.: <u>HYB2571P0011US</u> First Named Inventor: <u>Bradfield et al.</u> Examiner: <u>J. Ulm</u> Group Art Unit: <u>1646</u> Express Mail Label No.: <u>EL722045776US</u>
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This is a request for a ☒ continuation or a ☐ divisional application under 37 CFR 1.53 (d), (continued prosecution application (CPA) of prior application number 08/855,402, filed on May 13, 1997, and entitled Ah Receptor cDNA and Genetically Engineered Cells for Detecting Agonists to The Ah Receptor.

**NOTES**

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either (1) complete as defined by 37 C.F.R. §1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. §371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1223 Off. Gaz. Pat. Office (April 11, 2000)

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR §1.53(d), but must be filed under 37 CFR §1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. §1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. §122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. §1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. §120 and to every application assigned the application number identified in such request. 37 C.F.R. §1.78(a).

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application..
2. ☒ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

03/02/2001 AWONDAF1 00000099 08855402

00 00-001  
00 00-002

355.00 OP  
80.00 OP

4. ☐ A new power or attorney or authorization of agent (PTO/SB/81) is enclosed.

5. ☐ Information Disclosure Statement (IDS) is enclosed:

☐ PTO-1449

☐ Copies of IDS Citations

CLAIMS	NUMBER FILED	NUMBER ALLOWED	NUMBER EXTRA	RATE	CALCULATIONS
Total Claims	7	- 20* =		x \$18.00 =	\$
Independent Claims	5	- 3** =	2	x \$80.00 =	\$160.00
Multiple Dependent Claims (if applicable) (37 CFR 1.16(d))				+ \$270.00 =	\$
				Basic Fee	\$710.00
				Total of above Calculations =	\$870.00
				Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28)	\$435.00
* Claims in excess of 20 and over original patent. ** Independent claims over original patent.					TOTAL = \$435.00

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. ☐ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 04-1644.

		<u>Large Entity</u>	<u>Small Entity</u>
a.	<input type="checkbox"/> Extension for reply within first month	<input type="checkbox"/> \$ 110.00	<input type="checkbox"/> \$ 55.00
b.	<input type="checkbox"/> Extension for reply within second month	<input type="checkbox"/> \$ 390.00	<input type="checkbox"/> \$195.00
c.	<input type="checkbox"/> Extension for reply within third month	<input type="checkbox"/> \$ 890.00	<input type="checkbox"/> \$445.00
d.	<input type="checkbox"/> Extension for reply within fourth month	<input type="checkbox"/> \$1,390.00	<input type="checkbox"/> \$695.00
e.	<input type="checkbox"/> Additional filing fees or deficiencies in remittances therefor.		
f.	<input type="checkbox"/> Additional processing fees or deficiencies in remittances therefor.		
g.	<input type="checkbox"/> <u>ONLY if applicant has partially paid</u> the patent issue fee under 37 C.F.R. §1.18, then the <u>deficiency</u> shall be charged to the Deposit Account.		

8. ☒ A check in the amount of \$ 435.00 is enclosed.

9. ☐ New Attorney Docket Number, if desired \_\_\_\_\_  
(Prior application Attorney Docket Number will carry over to this CPA unless a new number has been provided herein.)

10. a. ☐ Receipt For Facsimile Transmitted CPA (PTO O/SB/29A).

b. ☒ Return Receipt Postcard (Should be specifically itemized, see MPEP 503).

11. ☒ Other: Petition to Revive An Unintentionally Abandoned Application Under 37 C.F.R. Section 1.137(b)

**NOTE:**

The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

12. ☐ New correspondence address below:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Country: \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

13. Signature of Applicant, Attorney, or Agent Required

Date: February 28, 2001

By \_\_\_\_\_



Lisa V. Mueller, Reg. No: 38,978

Correspondence Address:

ROCKEY, MILNAMOW & KATZ, LTD.

Two Prudential Plaza

180 North Stetson, Suite 4700

Chicago, Illinois 60601

Telephone: (312) 616-5400

Facsimile: (312) 616-5460

**CERTIFICATE OF MAILING BY EXPRESS MAIL**

I hereby certify that this Continued Prosecution Application (CPA) Request Transmittal, enclosed application, and any other documents referred to as enclosed herein, is being deposited with the United States Postal Service, "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated below and addressed to Attention: Office of Petitions, Commissioner for Patents, Box DAC, Washington, D.C. 20231.

Express Mail Label No.: EL722045776US

Date of Deposit: February 28, 2001

Typed/Printed Name of Person Signing: Charles Hinkle

Signature: 

THE UNITED STATES PATENT OFFICE IS REQUESTED TO IMPRESS  
ITS SEAL ON THIS CARD AND PLACE SAME IN THE OUT-GOING  
MAIL TO SHOW THE FOLLOWING PAPERS HAVE BEEN RECEIVED.

HYB2571P0011US

LVM/sm

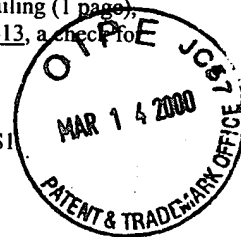
Applicant: Bradfield *et al.*  
Serial No: 08/855,402  
Filed: May 13, 1997

For: "Ah Receptor cDNA and Genetically Engineered Cells For Detecting Agonists  
To The Ah Receptor"

Transmitted Herewith: Notice of Appeal (1 page), Certificate of Mailing (1 page),  
Petition for Extension of Time (1 page), a check for 150.00 Ck#30413, a check for  
\$435.00 ck#30412 and this post card.

Mailed on March 6, 2000

HYB257P0011US1  
LVM/sm





LVH HVB 2571 P0011US  
UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/855,402	05/13/97	BRADFELD	

DRESSLER ROCKEY  
MILNAMOW & KATZ LTD.  
TWO PRUDENTIAL PLAZA SUITE 4700  
180 NORTH STETSON AVENUE  
CHICAGO IL 60601

HM12/1120

EXAMINER

ULM, J

ART UNIT	PAPER NUMBER
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1646

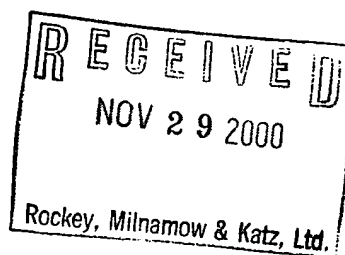
15

DATE MAILED:

11/20/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



# Notice of Abandonment

Application No.  
08/855,402

Applicant(s)  
Bradfield et al.

Examiner  
John Ulm

Group Art Unit  
1646



This application is abandoned in view of:

- ☒ applicant's failure to timely file a proper response to the Office letter mailed on Sep 8, 1999.
- ☐ A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.  
(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC)).
- ☒ No response has been received.
- ☐ applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.
- ☐ The submitted issue fee of \$ \_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_.
- ☐ The issue fee has not been received.
- ☐ applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.
- ☐ The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.
- ☐ No proposed new formal drawings have been received.
- ☐ the express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.
- ☐ the letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ the letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ the decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ the reason(s) below:

JOHN ULM  
PRIMARY EXAMINER  
ART UNIT 1646